

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EARL DEAN CHRISTIAN,
Plaintiff,
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

No. 2:21-cv-0305 KJN P

ORDER

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

17 Plaintiff is a state prisoner, proceeding pro se. Plaintiff filed a motion for a ninety-day
18 extension of time to file an amended complaint. Plaintiff asserts that in order to comply with the
19 court's order, he will need to request from the CDCR "a plethora of documentation" as to what
20 transpired on May 25, 2018, including videos, what officers checked out 40 mm launchers, and
21 memos activating the integration of general population inmates with sensitive needs inmates.
22 Plaintiff requests numerous subpoena duces tecum to obtain such "voluminous documentation."
23 (ECF No. 21 at 2.)

24 Plaintiff is advised that this action cannot proceed until he has an operative complaint on
25 file. Plaintiff is not required to submit evidence with his complaint. However, by signing an
26 amended complaint, plaintiff certifies he has made reasonable inquiry and has evidentiary support
27 for his allegations. While plaintiff is correct that he may engage in discovery to identify putative
28 defendants, the documentation plaintiff seeks is premature, too vague and too broad. Plaintiff

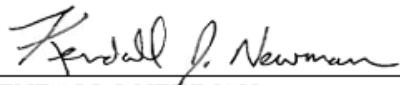
1 must first file an amended complaint that identifies specific claims against specific individuals,
2 and thereafter the court has found plaintiff states a cognizable civil rights claim or claims.
3 Plaintiff's request for numerous subpoena duces tecum is denied without prejudice.

4 Plaintiff is required to exhaust his prison resources before seeking court intervention. At a
5 minimum, prison staff should provide plaintiff with the names of the correctional officers who
6 shot him because plaintiff is required to name such individuals in any administrative grievance
7 submitted to exhaust his administrative remedies. Plaintiff may be able to seek such information
8 through the prison grievance process, or request assistance from his correctional counselor or
9 litigation coordinator. Plaintiff may be able to obtain copies of prison policies through the prison
10 law library. Other information may be available through an Olson review.¹

11 Good cause appearing, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff's request for subpoenas (ECF No. 21) is denied without prejudice;
13 2. Plaintiff's motion for an extension of time (ECF No. 21) is granted; and
14 3. Plaintiff is granted ninety days from the date of this order in which to file an amended
15 complaint.

16 Dated: May 5, 2021

17 
18 KENDALL J. NEWMAN
19 UNITED STATES MAGISTRATE JUDGE

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27 ¹ An Olson review refers to the right of California inmates to inspect and copy non-confidential
28 records maintained in their central and medical files, as established by In re Olson (1974) 37 Cal.
App. 3d 783, 112 Cal. Rptr. 579.